

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

## **ENTRY ON THE COMMISSIONER'S MOTION FOR ENTRY OF JUDGMENT**

On February 11, 2015, the court issued an Entry Adopting in part and Rejecting in Part the Magistrate Judge's Report and Recommendation, and ordered that the matter be remanded to the Administrative Law Judge to consider and evaluate the opinions of Dr. Harry Staley, the credibility of Plaintiff, and whether Plaintiff meets the requirements of Listing 14.09B. On the same day, the court issued an Order Remanding Action, stating:

Consistent with the determination made this day, the action must be remanded for the Administrative Law Judge to consider and evaluate the opinions of Dr. Harry Staley, the credibility of Plaintiff, and whether Plaintiff meets the requirements of Listing 14.09B.

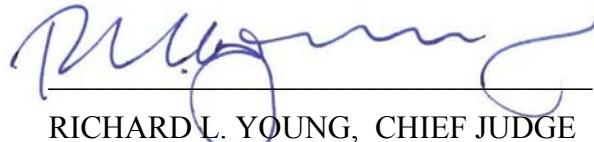
**IT IS THEREFORE ORDERED** that the action is **remanded** to the Administrate Law Judge.

(Filing No. 43).

On June 9, 2015, the Commissioner filed the present motion which contends that the Order Remanding Action is not a final judgment, and requests that the court enter judgment in a separate document. *Melkonyan v. Sullivan*, 501 U.S. 89, 101-02 (1991)

(“[R]emand orders must . . . accompany a final judgment affirming, modifying or reversing the administrative decision in accordance with sentence four [of 42 U.S.C. § 405(g)] . . .”). The court agrees. Therefore, the court **GRANTS** the Commissioner’s motion (Filing No. 53). Judgment shall issue in a separate document.

**SO ORDERED** this 15th day of October 2015.



RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

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